

**BEFORE THE APPEALS BOARD
FOR THE
KANSAS DIVISION OF WORKERS COMPENSATION**

JOHNNY CRAVEN)	
Claimant)	
VS.)	
)	Docket No. 1,001,806
THE BOEING COMPANY)	
Respondent)	
AND)	
)	
INSURANCE COMPANY)	
STATE OF PENNSYLVANIA)	
Insurance Carrier)	

ORDER

Respondent and its insurance carrier appealed the April 18, 2002 preliminary hearing Order entered by Administrative Law Judge Jon L. Frobish.

ISSUES

This is a claim for repetitive mini-traumas and resulting injuries to the upper extremities. Claimant alleges a period of accident from December 1999 through his last day of working for respondent in December 2001.

In the April 18, 2002 preliminary hearing Order, the Judge granted claimant's request for medical benefits. Respondent and its insurance carrier contend Judge Frobish erred. They argue claimant has failed to prove that his upper extremity injuries were caused by the work that he performed for respondent. Conversely, they argue that it is more probably true than not that claimant's injuries were caused by bowling.

On the other hand, claimant contends he has proven that his bilateral carpal tunnel condition was either caused or aggravated by his work duties. Accordingly, claimant requests the Board to affirm the April 18, 2002 preliminary hearing Order.

The only issue before the Board on this appeal is whether claimant sustained personal injury by accident arising out of and in the course of employment with respondent.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

After reviewing the evidence compiled to date, the Board finds and concludes:

The preliminary hearing Order should be affirmed. The Board finds and concludes that it is more probably true than not that claimant's intensive bilateral hand work as a computer operator has caused or aggravated his bilateral carpal tunnel condition.

Claimant began working for respondent in January 1988 as a hand router. After about nine months, claimant then became a drill operator. After about two years, claimant then moved into machine planning where he worked for approximately four years. In 1996, claimant then moved into the position of a CNC programmer where he worked until his layoff on December 14, 2001. As a CNC programmer, claimant worked eight to 10 hours per day at a computer terminal using a keyboard and mouse.

In approximately December 1999, claimant began noticing upper extremity symptoms. Claimant continued to work and his symptoms increased. Claimant is right hand dominant and first noticed symptoms in his right upper extremity. But by March 2001, claimant was also experiencing symptoms both in his neck and in his left upper extremity.

In November 2001, claimant reported his problems to respondent's medical department, who then referred him to Dr. John P. Estivo for treatment. Claimant first saw Dr. Estivo on December 17, 2001, when the doctor diagnosed bilateral carpal tunnel symptoms, recommended nerve conduction studies, and restricted claimant from repetitive use of both hands.

In January 2002, claimant moved to Arlington, Texas. At the time of the preliminary hearing in April 2002, claimant was employed by a temporary employment agency and assigned to a job in which he was operating a CNC lathe. According to claimant, he was able to perform that job without violating Dr. Estivo's medical restrictions. Claimant described his job duties as using a crane to lift and load parts into his machine, which he operated by pressing a button. After the part is machined, claimant removes the 20- to 25-pound part by lifting it with both hands. Claimant testified that he made approximately three parts per hour.

At this juncture of the claim, the Board believes the computer work performed for respondent is the more likely cause of claimant's complaints rather than claimant's bowling activities, which respondent and its insurance carrier contend required claimant to lift and roll a 15-pound bowling ball approximately 7,792 times per year in each of the five years before claimant left respondent's employment in December 2001. Claimant's computer work required repetitive hand movement for a major portion of claimant's workday. At this juncture of the claim, there is no evidence from a physician that supports the contention

that bowling requires the type of movement or repetition, when considering the time between throws, that would cause bilateral carpal tunnel symptoms.

WHEREFORE, the Board affirms the April 18, 2002 preliminary hearing Order entered by Judge Frobish.

IT IS SO ORDERED.

Dated this ____ day of June 2002.

BOARD MEMBER

c: Randy S. Stalcup, Attorney for Claimant
Kim R. Martens, Attorney for Respondent and its Insurance Carrier
Jon L. Frobish, Administrative Law Judge
Philip S. Harness, Workers Compensation Director